

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
W/S Stengel Ave., 70 ft. S of  
W of Kimmel Avenue  
1404 Stengel Avenue  
12th Election District  
7th Councilmanic District  
Irene McKinney, et al  
Petitioners

• BEFORE THE  
• ZONING COMMISSIONER  
• OF BALTIMORE COUNTY  
• Case No. 92-196-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 12 ft. in lieu of the required 30 ft. for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of November, 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a rear yard setback of 12 ft. in lieu of the required 30 ft. for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING  
Date 11/22/91  
By M. P. Schmitt

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

December 11, 1991

Mr. John P. McKinney  
Mrs. Irene McKinney  
1404 Stengel Avenue  
Baltimore, Maryland 21222

RE: Petition for Residential Zoning Variance  
Case No. 92-196-A

Dear Mr. McKinney and Mrs. McKinney:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-1391.

Very truly yours,

Lawrence E. Schmidt  
Zoning Commissioner

LES:mm  
encl.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-196-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.C.1 To Allow Rear Set Back of 12 feet twelve  
In Lieu of The 30' thirty feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty): Do To The Death Of Irene McKinney (Grandmother) John P. McKinney (Grandson) Must Move To Said Property With My Family Of 3 Daughters + fiancia To Care For My (Aunt) Irene McKinney Whom is Handicapped. She Requires Physical Emotional And Financial CARE As soon As Possible. Only Possible place to put 4 bedrooms + 1 1/2 baths is @ rear of house.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Irene McKinney

John P. McKinney

John P. McKinney

John P. McKinney

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2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this  
7th day of November, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: John P. McKinney, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: November 25, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Tracy/Martin Property, Item No. 219  
Bonnie View Country Club, Item No. 210  
McKinney Property, Item No. 227 ✓

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM219/TXTROZ

92-196-A

Baltimore County Government  
Fire Department

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

NOVEMBER 25, 1991

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN P. MCKINNEY

Location: #1401 STENGEL AVENUE

Item No.: 227 Zoning Agenda: NOVEMBER 19, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Jeffrey Long* Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JP/REK

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: November 20, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for November 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 220, 223, 227 and 228.

For Items 183 and 225, County Review Group Meetings may be required for these sites.

For Item 224, the owner is cautioned that there is an existing 10-foot drainage and utility easement along the west property line and that no permanent structures are allowed in County rights-of-ways. A 70-foot unit on this lot will encroach on either the 10-foot or 15-foot side yard line shown on the plat.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Staff November 21, 1991

FROM: James E. Dyer  
Zoning Supervisor

SUBJECT: Special Hearing Cases (without a specific location)

This memo is being circulated for informational purposes only. Special Hearing cases for which there is no specific location, address, or district cannot be recorded among zoning records, i.e. zoning maps, dockets, and card indexes as other cases normally are. A copy of one such Zoning Order which could not be found during an extensive search of the records was stumbled across in a file in my office. Once the case number was known, it was determined that a little known card file for these cases does exist.

This file is located in the card file cabinet in the map vault at the end of the drawer of alphabetical listings under the heading of "Special Hearings - Interpreted" (The outside of the drawer is marked "Special Hearings - No Location"). In the instant case, we were looking for a special hearing concerning Pace Warehouse. This file was readily found once we knew where to look.

*James E. Dyer*  
James E. Dyer

JED:cer

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: December 2, 1991

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 19, 1991

This office has no comments for item numbers 183, 222, 223, 224, 227 and 228.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/lvd

93-M6-XA 1-20-93

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: January 13, 1993

FROM: J. Lawrence Pilson  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #205  
64 Frederick Road  
Zoning Advisory Committee Meeting of December 28, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

LP:sp

FREDER/TXTSBP



